

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE)

MDL No. 1456

THIS LITIGATION RELATES TO:)

CIVIL ACTION: 01-CV-12257-PBS

TRACK TWO SETTLEMENT)

Judge Patti B. Saris

**APPELLANT CORINNA CONNICK'S MOTION FOR LEAVE
TO FILE A SHORT RESPONSE TO PLAINTIFFS' REPLY BRIEF
IN SUPPORT OF THEIR MOTION FOR IMPOSITION OF AN APPEAL
BOND AGAINST CORINNA CONNICK**

Thomas J. Connick (1149757)
Dubyak Connick Thompson & Bloom LLC
3401 Enterprise Parkway, Suite 205
Cleveland, OH 44122
PH: 216-364-0500 | FX: 216-346-0505
Email: tconnick@dctblaw.com
Attorney for Corinna Connick

Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman Sobol Shapiro LLP
55 Cambridge Parkway, Suite 301
Cambridge MA 02142
PH: 617-482-3700 | FX: 617-482-3003

LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Hagens Berman Sobol Shapiro LLP
1918 8th Avenue, Suite 3300
Seattle, WA 98101
PH: 206-623-7292 | FX: 206-623-0594

Jennifer Fountain Connolly
Hagens Berman Sobol Shapiro LLP
1629 K Street, NW, Suite 300
Washington, DC 20006
PH: 202-355-6435 | 202-355-6455

Jeffrey Kodroff
John Macoretta
Spector, Roseman Kodroff & Willis, P.C.
1818 Market Street, Suite 2055
Philadelphia, PA 19103
PH: 215-496-0300 | FX: 216-496-6611

Kenneth A. Wexler
Wexler Wallace LLP
55 W. Monroe, Suite 3300
Chicago, IL 60603

Marc H. Edelson
Hoffman & Edelson LLC
45 West Court Street
Doylestown, PA 18901
PH: 215-230-8043 | FX: 215-230-8735

CLASS COUNSEL

Appellant, Corinna Connick, by and through undersigned counsel Thomas J. Connick, respectfully requests leave of this Honorable Court to file a short response brief to Plaintiffs' Reply Brief In Support Of Their Motion For Imposition Of An Appeal Bond Against Corinna Connick. As grounds for the foregoing, Appellant, Connick states as follows:

1. As noted by Plaintiffs in their reply brief, Local Rule 7.1 B(2) requires that additional papers, "whether in the form of a reply or otherwise, may be submitted only with leave of Court." Plaintiffs' allegations of "new evidence of conduct" by Ms. Connick warranting the imposition of a bond is both misleading and relies upon untrue allegations. In particular, Plaintiffs allege that Attorney Edward Cochran "is ghost writing" Ms. Connick's submissions which is patently untrue.¹ Moreover, Plaintiffs' rendition of how and/or why Ms. Connick has refused to appear for her deposition is extremely skewed and misleading.

¹ The tagline on Appellant Connick's briefings and motions (F:\Clients - Connick\Cochran, Ed (6008)\AWP Litigation\Pleadings\AWP Litigation) generated on the pleadings in this matter since undersigned counsel has taken over as counsel, is generated specifically and solely from the computer generated file controlled by undersigned counsel of the Law Offices at Dubyak Connick Thompson & Bloom, LLC. Notably, the pleadings for Ms. Connick generated prior to undersigned counsel taking over as counsel for Ms. Connick do not have such a tagline because those pleadings were, in fact, authored by Appellant Connick's former counsel, John Pentz and/or Edward Cochran. The tagline appearing on undersigned counsel's pleadings was placed on this file in 2009, to reflect the name of the file, and has been kept in the electronic file as such in the ordinary course and scope of business. The first time that this tagline has actually appeared on any pleadings, which were generated out of the office of Dubyak Connick Thompson & Bloom, LLC, is when undersigned counsel took over this case, and is, indeed, proof that these pleadings were prepared by undersigned counsel at the offices of Dubyak Connick Thompson & Bloom, LLC, and not by Attorney Edward Cochran. In fact, the only way the tagline referenced by Plaintiffs appears on these pleadings is by way of Attorney Connick's computer system located and generated at the Law Offices of Dubyak Connick Thompson & Bloom, LLC.

2. As a result and because of the intervening holidays and the press of other business, undersigned counsel requires additional time to fully respond to Plaintiffs spurious allegations set forth in their Supplemental Memorandum In Support of Plaintiffs Motion For Imposition For An Appeal Bond. In addition, Plaintiffs filed a Motion To Compel The Deposition of Ms. Connick contemporaneous with the filing of their Reply Brief In Support of their Motion For Imposition Of An Appeal Bond. The response to Plaintiffs Motion to Compel is due on or about Tuesday, December 6, 2011. For purposes of completeness, judicial economy, and judicial efficiency, Appellant, Corinna Connick, by and through undersigned counsel, respectfully requests she be allowed to respond to Plaintiffs' Motion and Reply Brief jointly on or before Tuesday, December 6, 2011, as both are related to each other, even as referenced by Plaintiffs themselves.

3. Appellant, Corinna Connick, therefore, respectfully requests leave of this Court to file her response to Plaintiffs Reply Brief In Support Of Their Motion for Imposition of an Appeal Bond contemporaneously with her Brief In Opposition to Plaintiffs Motion to Compel her deposition on or before December 6, 2011.

WHEREFORE, Appellant, Corinna Connick respectfully requests that this Honorable Court grant her leave to file her Response to Plaintiffs Reply Brief In Support of their Motion For Imposition Of An Appeal Bond contemporaneously with her Brief In Opposition to Plaintiffs' Motion to Compel.

Respectfully submitted,

/s/Thomas J. Connick
Thomas J. Connick, Esq. (0070527)
DUBYAK CONNICK THOMPSON & BLOOM LLC
3401 Enterprise Pkwy. Ste. 205
Cleveland OH 44122
PH: 216-364-0500 | FX: 216-364-0505
Attorney for Corinna Connick

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2011, a copy of foregoing ***APPELLANT CORINNA CONNICK'S MOTION FOR LEAVE TO FILE A SHORT RESPONSE TO PLAINTIFFS' REPLY BRIEF IN SUPPORT OF THEIR MOTION FOR IMPROSION OF AN APPEAL BOND AGAINST CORINNA CONNICK*** was filed electronically. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Undersigned counsel further certifies that, on this date, the above filing was sent by regular U.S. Mail, postage prepaid, to all counsel not registered with the Court to receive electronic filings.

/s/Thomas J. Connick
Thomas J. Connick, Esq. (0070527)
Attorney for Corinna Connick

F:\Clients - Connick\Cochran, Ed (6008)\AWP Litigation\Pleadings\AWP Litigation\Motion for Leave to File Short Response to Pltf Reply Brf 11-28-2011.doc